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450117-03591**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1 and 3-15 are pending in this application. Claims 1 and 13 are independent. Claims 1, 8, and 13 are hereby amended. Claim 2 is canceled without prejudice or disclaimer of subject matter. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-3, 12, and 13 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,734,909 to Bennet.

Claim 1, amended to include the limitations of previous claim 2, recites *inter alia*:

"...wherein, in order to resolve resource conflicts, a negotiation process with said at least one resource using client (5, 6) and said resource demanding

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client (7) about future rights of allocating said requested shareable resources is performed, and

wherein said negotiation process is based upon a process of tracking and/or storing relationship information between said shareable resources allocated by said resource using client (5, 6) and client operations of said resource using client (5, 6) using said allocated shareable resources.” (emphasis added)

As understood by Applicants, the cited portions of U.S. Patent No. 5,734,909 to Bennet (hereinafter, merely “Bennet”) disclose a managing process in which a server receiving resource requests from different resource demanding clients assigns currently available resources to one of the resource demanding clients. If a requested resource is already allocated by another resource demanding client, the server instructs the resource demanding client to wait until the respective resource has been de-allocated. Applicants note that no “real” negotiation process is performed. Rather, an “instruction process” is carried out.

Furthermore, the cited portions of Bennett relied on by the Office Action, with respect to claim 2, refers to a data structure concerning a notification to be sent to the resource requesting client only, whereas the term “relationship information” mentioned in the present claim refers to “pointing information”, each piece of pointing information specifying how much of the resources allocated by a resource using client is needed by a specific client operation (for example a software program running on the client). As specified on description page 6, 1st paragraph of the description, the relationship information shows the advantage that a server managing the resource conflict resolving process is able to decide which “portion” of allocated resources assigned to a specific resource using client may be de-allocated when terminating one of several client operations assigned to the resource using client. Thus, the “allocation/de-allocation granularity” can be improved.

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Applicants submit that nothing has been found in Bennet that would teach or suggest the above-identified features of independent claim 1. Therefore, claim 1 is believed to be patentable.

Independent claim 13 is similar in scope and is believed to be patentable for similar reasons.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 4-11, 14, and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,734,909 to Bennet in view of U.S. Patent No. 6,385,639 to Togawa.

Applicants respectfully submit that Togawa does not provide the disclosure missing from Bennett with regard to the above-identified features of claim 1.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner

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specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
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